

COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS

AGENDA ITEM TRANSMITTAL

(1) DEPARTMENT Planning and Building		(2) MEETING DATE March 14, 2006		(3) CONTACT/PHONE Josh LeBombard, Current Planning (805) 781-1431	
(4) SUBJECT Hearing to consider an appeal by Greg Shipley of the Subdivision Review Board denial of his request for Vesting Tentative Parcel Map CO 04-430 (SUB2004-00019) using the Transfer of Development Credits Program to subdivide an existing 50 acre parcel into two parcels of 30 and 20 acres each for the purpose of sale and/or development. The proposal also includes a request to waive road standards. The proposed project is within the Agriculture land use category and is located at 4004 Stag's Leap Way, approximately 2.75 miles west of the community of Paso Robles. The site is in the Adelaida Planning Area. Supervisorial District 1					
(5) SUMMARY OF REQUEST On December 5, 2005, the request by Greg Shipley for Vesting Tentative Parcel Map CO 04-430 using the Transfer of Development Credits program to subdivide an existing 50 acre parcel into two parcels of 30 and 20 acres each, as well as a request to waive road standards, was denied by the Subdivision Review Board. On December 16, 2005, the Planning Department received an appeal of this decision by Greg Shipley. The following discusses the issues raised in the appeal.					
(6) RECOMMENDED ACTION Adopt the resolution affirming the decision of the Subdivision Review Board and disapproving the application of Greg Shipley for a Vesting Tentative Parcel Map CO 04-430 (SUB2004-00019) based on the findings in Exhibit A.					
(7) FUNDING SOURCE (S) Appeal Fee (\$604.00)		(8) CURRENT YEAR COST N/A		(9) ANNUAL COST N/A	
(10) BUDGETED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> N/A <input type="checkbox"/> NO					
(11) OTHER AGENCY/ADVISORY GROUP INVOLVEMENT (LIST): County Counsel reviewed the resolution as to form and content.					
(12) WILL REQUEST REQUIRE ADDITIONAL STAFF? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, How Many? _____ <input type="checkbox"/> Permanent _____ <input type="checkbox"/> Limited Term _____ <input type="checkbox"/> Contract _____ <input type="checkbox"/> Temporary Help _____					
(13) SUPERVISOR DISTRICT(S) <input checked="" type="checkbox"/> 1st, 2nd, 3rd, 4th, 5th, All			(14) LOCATION MAP <input checked="" type="checkbox"/> Attached <input type="checkbox"/> N/A		
(15) AGENDA PLACEMENT <input type="checkbox"/> Consent <input checked="" type="checkbox"/> Hearing (Time Est 45 minutes) <input type="checkbox"/> Presentation <input type="checkbox"/> Board Business (Time Est. _____)			(16) EXECUTED DOCUMENTS <input checked="" type="checkbox"/> Resolutions (Orig + 4 copies) <input type="checkbox"/> Contracts (Orig + 4 copies) <input type="checkbox"/> Ordinances (Orig + 4 copies) <input type="checkbox"/> N/A		
(17) NEED EXTRA EXECUTED COPIES? <input type="checkbox"/> Number: _____ <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A			(18) APPROPRIATION TRANSFER REQUIRED? <input type="checkbox"/> Submitted <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A		

(19) ADMINISTRATIVE OFFICE REVIEW

OK
Leslie Brown

C-1
(3.14.06)



SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

TO: BOARD OF SUPERVISORS

FROM: JOSH LEBOMBARD, CURRENT PLANNING

VIA: WARREN HOAG, DIVISION MANAGER, CURRENT PLANNING

DATE: MARCH 14, 2006

SUBJECT: HEARING TO CONSIDER AN APPEAL BY GREG SHIPLEY OF THE SUBDIVISION REVIEW BOARD DENIAL OF HIS FOR VESTING TENTATIVE PARCEL MAP CO 04-430 (SUB2004-00019) USING THE TRANSFER OF DEVELOPMENT CREDITS PROGRAM TO SUBDIVIDE AN EXISTING 50 ACRE PARCEL INTO TWO PARCELS OF 30 AND 20 ACRES EACH FOR THE PURPOSE OF SALE AND/OR DEVELOPMENT. THE PROPOSAL ALSO INCLUDES A REQUEST TO WAIVE ROAD STANDARDS. THE PROPOSED PROJECT IS WITHIN THE AGRICULTURE LAND USE CATEGORY AND IS LOCATED AT 4004 STAG'S LEAP WAY, APPROXIMATELY 2.75 MILES WEST OF THE COMMUNITY OF PASO ROBLES. THE SITE IS IN THE ADELAIDA PLANNING AREA.
SUPERVISORIAL DISTRICT 1

RECOMMENDATION

Adopt the resolution affirming the decision of the Subdivision Review Board and disapproving the application of Greg Shipley for a Vesting Tentative Parcel Map CO 04-430 (SUB2004-00019) based on the findings in Exhibit A.

DISCUSSION

On December 5, 2005, the request by Greg Shipley for Vesting Tentative Parcel Map CO 04-430 using the Transfer of Development Credits program to subdivide an existing 50 acre parcel into two parcels of 30 and 20 acres each, as well as a request to waive road standards, was denied by the Subdivision Review Board.

On December 16, 2005, the Planning Department received an appeal of this decision by Greg Shipley. The following discusses the issues raised in the appeal.

APPEAL ISSUES

Issue 1.

Applicant's Comments. This project is "exempt" from CEQA. The application is specifically designed to take advantage of the rural and agricultural nature of the property, by splitting the 50 acres into a 20 acre parcel (with house) and a 30 acre parcel to be used as a winery, vineyard and agricultural support.

Handwritten signature/initials.

Staff Response. This project was found to be statutorily exempt from the California Environmental Quality Act under the provisions of Public Resources Code section 21080(b)(5), which provides that CEQA does not apply to projects which a public agency rejects or disapproves. An environmental review would be required for this project if it was recommended for approval. For this particular project, the environmental review would focus on impacts to traffic, water resources, and agriculture. As the staff report indicates, the Agricultural Commissioner's Office responded that this division "would result in potential significant impacts to agricultural resources and/or operations because each proposed parcel would not have adequate resources to ensure sustainable long-term agricultural production".

Issue 2.

Applicant's Comments. The proposed map IS consistent with the neighborhood's small acreage use of land for vineyard and winery applications (please see slides and support documentation). In the Adelaida area, there is NO WATER for any other type of agricultural use other than "Dry Farming". The soil types on the property and that found in the entire Adelaida Area are not useful for any agricultural crops, with the exception of viable plantings of dry farmed grapes and dry farmed orchards. The proposed project would represent two of the most plantable parcels for high-end, low-yield wine grapes in the Adelaida area.

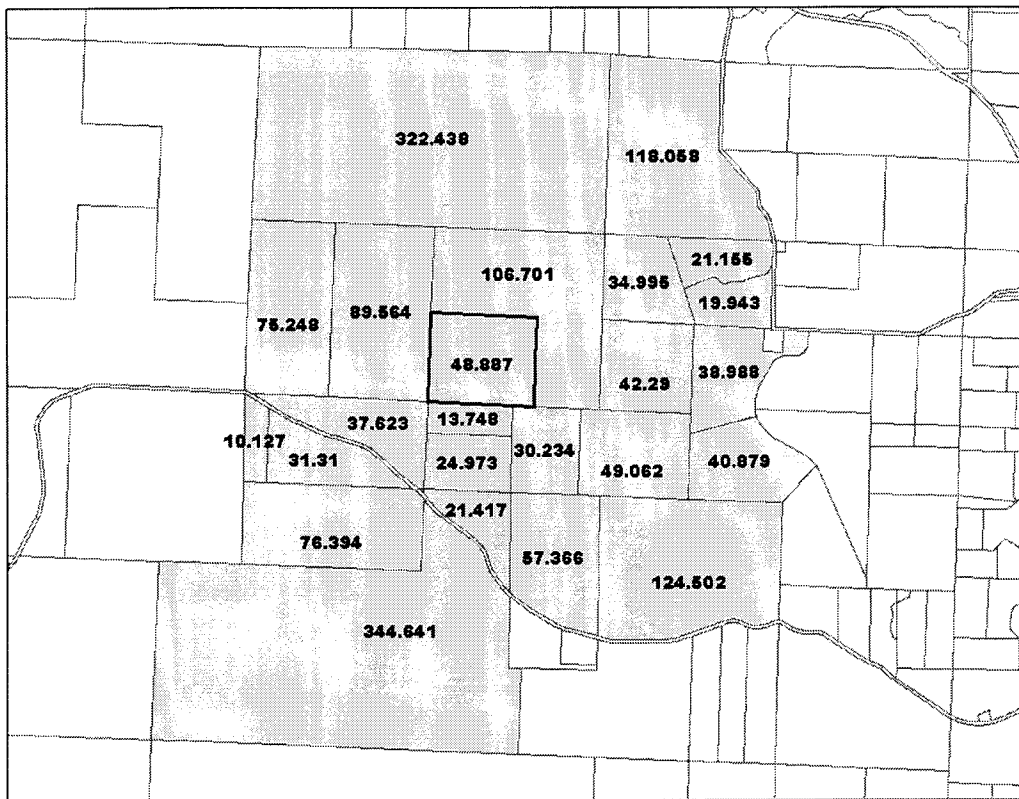
Staff Response. The property is located in an area consisting of mostly larger parcels with smaller parcels to the south and east. The chart below outlines the parcel sizes of the parcels found within a ½ mile radius of the subject parcel.

APN	ACRES	APN	ACRES
026-231-005	322.438	026-231-058	10.127
026-241-001	118.058	026-231-075	13.748
026-231-065	75.248	026-231-074	30.234
026-231-066	89.564	026-231-059	31.310
026-231-026	106.701	026-231-027	49.062
026-241-022	34.995	026-231-051	40.879
026-241-023	21.155	026-231-073	24.973
026-241-024	19.943	026-231-061	76.394
026-231-006	48.887	026-231-031	21.417
026-241-007	42.290	026-231-035	57.366
026-231-078	38.988	026-231-023	124.502
026-231-062	37.623	026-231-040	344.641

The average parcel size for parcels found within a ½ mile radius of the subject parcel is **74.19 acres**. The proposal to split the 50 acre parcel into two parcels of 30 and 20 acres in size would not be consistent with the surrounding area because the size of the resulting parcels would be less than half of the average parcel size. Furthermore, the existing parcel at 50 acres is below the average parcel size for the area.

The following figure depicts the area used to make the average parcel size determination.

Cm



Even though the applicant believes that the proposed project would represent two of the most plantable parcels for high-end, low-yield wine grapes in the Adelaida area, the Agricultural Commissioner's Office believes that this division "would result in potential significant impacts to agricultural resources and/or operations because each proposed parcel would not have adequate resources to ensure sustainable long-term agricultural production".

Issue 3.

Applicant's Comments. The proposed map IS consistent with the lot sizes both prior to (and closest to Paso Robles) and after the proposed project. In fact, please see the slides and support documentation to justify the creation of similar or (in most cases) larger parcel sizes than currently exist in the surrounding neighborhood.

Staff Response. As noted above, the average parcel size for parcels found within a ½ mile radius of the subject parcel is **74.19 acres**. The proposal to split the 50 acre parcel into two parcels of 30 and 20 acres in size would not be consistent with the surrounding area because the size of the resulting parcels would be less than half of the average parcel size. Furthermore, the existing parcel at 50 acres is below the average parcel size for the area. The applicant has not provided information to counter staff's calculation of average parcel size in the area.

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Issue 4.

Applicant's Comments. The proposed map IS consistent with County plans (General Goal 10 of Framework for Planning) to support agriculture that will produce the very highest quality wine grapes. High-end, low-yield production of quality wine grapes on steep hills favor hand-picked and hand-cultivated methods of farming AND NOT mechanized conditions found throughout the rest of San Luis Obispo County. This area is very special and very different from any other agriculturally zoned area of the County and requires a different standard than to group it with Creston, Santa Margarita, the Nipomo Mesa, the Coastal beach areas or any other distinct area in San Luis Obispo County! A broad, one-size-fits-all conclusion does not account for regional distinctions.

Staff Response. Framework for Planning, General Goal 10 states that land uses should "Encourage the protection of agricultural land for the production of food, fiber, and other agricultural commodities". Staff believes that the proposed project does not meet this goal since the Agricultural Commissioner's Office responded that each proposed parcel would not have adequate resources to ensure sustainable long-term agricultural production.

Issue 5.

Applicant's Comments. When we started this process, in a July 29th, 2003 pre-planning meeting....over two years ago ... the TDC program was suggested to us as THE BEST vehicle to subdivide our property into 20 and 30 acre parcels. At that time, the County Zoning allowed agriculture lots of 20 acres or more. Both of our proposed parcels met that standard. Our project met all TDC requirements in 2003 ... AND we meet all TDC requirements of the revision of the TDC ordinance of 2005. Our project is within 2.5 miles (as driven) from the city reserve line and 4.5 from the center of downtown Paso Robles! There is NO more viable agricultural use of our property ... than to plant dry-farmed grapes and have a winery on the property that encourages more grape production in the Adelaida area. THE ROAD EXCEPTION was checked because, in order to build a winery on the 30 acre parcel, bonding requirements dictate a more stringent road standard than the County. As a matter of fact, the winery road must meet requirements that would build the road to county rural road standards, whereby, the County would be granted the road upon completion ... including leveling hills and curves to have a clear site for 150 feet or more. We suggest that the Board make building on the 30 acre parcel conditional upon upgrading the road. This would greatly benefit all of our neighbors who use this road.

Staff Response. This lot can only be subdivided using the TDC Program. It is otherwise unsubdividable. Although the ordinance allows for the creation of lots as small as 20 acres in size in the Agriculture Land Use Category, the soil types over the entire parcel would need to be prime or the entire site would need to be developed with an irrigated crop such as row crops or vineyard. The site does not have prime soils and is not developed with an intensive, irrigated agricultural use and therefore would not qualify for division (this represents both current requirements and the requirements in place at the time of the applicant's pre-application meeting.) The information provided to the applicant at the time of the pre-application meeting was that the TDC Program offered the only ability to request a subdivision of the property. Staff agrees that the proposed project does meet the requirements to be eligible as a TDC Receiver site. However, meeting the criteria does not guarantee that the site will be approved as a TDC subdivision. The application process for subdivisions, including TDC subdivisions, is a discretionary process. This project was reviewed with the applicable ordinance requirements and goals and was determined to not be supportable by the Department of Planning and Building. The Subdivision Review Board agreed with staff's recommendation and ultimately voted to deny the request.

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Once again, the Agricultural Commissioner's Office does not believe that the proposed 20 and 30 acre parcels are of adequate size to ensure **sustainable long-term agricultural production**.

The applicant indicates that "the road exception was checked because, in order to build a winery on the 30 acre parcel, bonding requirements dictate a more stringent road standard than the County". Staff is not considering the application for a winery at this time. The application that is being considered is for a TDC subdivision. It was staff's understanding that the request for a road exception was in regards to the road standards for Stag's Leap Way in relation to the subdivision application. Stag's Leap Way is currently a private easement. Section 21.03.020(d)(7) states:

Private easements, if approved by the planning commission or subdivision review board, may serve as access to no more than an ultimate of five parcels, including parcels not owned by the divider. The number of parcels served by any private easement shall include existing parcels and all future parcels which could be created in the future according to the applicable general plan.

Including the subject parcel, currently the private easement is accessed by six parcels, which is above the allowed amount (5); the proposed division would increase the access to seven parcels. A referral was sent to the Department of Public Works regarding this exception request. The Department indicated that they do not support an exception of this standard due to the fact that it does not currently meet driveway standards.

Issue 6.

Applicant's Comments. The site IS absolutely, physically suitable for the type of development of promoting a high-end, low-yield, dry-farmed vineyard and winery application. In fact, the property topography will only accommodate this type of agricultural use. The neighborhood is dotted with small, family owned and farmed vineyards that can not be mechanized. This is, in fact, the only way to farm this property and therefore REQUIRE smaller parcels to make it viable for agricultural use. The County MUST recognize that this is a very unique agricultural area and does not fit the mold of "larger is better"!

Staff Response. The Agricultural Commissioner's Office does not believe that the proposed 20 and 30 acre parcels are of adequate size to ensure **sustainable long-term agricultural production**.

Issue 7.

Applicant's Comments. There are two large parcels used by the staff that make this finding irrelevant ... in that, they unfairly skew the true size of parcels in the neighborhood. One parcel used by staff is a Bureau of Land Management property that is nothing but extreme cliffs. The other large parcel supports an olive production use that, at any one time, will have up to several hundred people living on the premise tending to a dry-farmed olive tree orchard and a small greenhouse vegetable production operation. These two 320+ acre parcels, when averaged into the existing neighborhood parcels unfairly characterize the neighborhood as something that it isn't!

Staff Response. Instead of arbitrarily selecting parcels, staff determined that using a ½ of a mile radius around the Shipley parcel was adequate to determine the average parcels sizes of the area. The figure contained in this staff report depicts the parcels selected.

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Removing the two 320+ acre parcels that were indicated in the issue above from the measurement from the existing parcel would produce an average an average parcel size is 50.61 acres. 50.61 acres is almost exactly the same size as the current Shipley parcel (50 acres). Using 50.61 as the average parcel size of the surrounding parcels, the proposal of two parcels of 20 and 30 acres would create two parcels roughly 40 percent and 60 percent respectively of the average parcel size of the area.

Issue 8.

Applicant's Comments

The project actually improves traffic circulation, public utility access and storm drainage systems by virtue of the winery requirement for construction of a public access road ... rather than the 8-12 foot wide "driveway" now in existence.

Staff Response. *Staff did not complete an environmental review for this project since projects that are not approved are statutorily exempt from CEQA. The initial response from the Department of Public Works indicates that the road exception would not be supported.*

OTHER AGENCY INVOLVEMENT:

County Counsel reviewed the resolution as to form and content.

FINANCIAL CONSIDERATIONS

The application was processed using the required appeal fee that was paid at the time the appeal was submitted.

RESULTS

Denial of the appeal for this Vesting Tentative Parcel Map would mean the application for subdivision using the TDC program would be denied.

Approval of the appeal for this Vesting Tentative Parcel Map would require staff to conduct an environmental review of the proposed project to determine impacts to applicable resources. Results of the initial study of environmental impacts will determine the level of environmental review appropriate (eg. Negative Declaration, Mitigated Negative Declaration or EIR). After the environmental review is completed, the project can then be returned to your board for action.

ATTACHMENTS

1. Resolution upholding the Subdivision Review Boards decision
2. Appeal form
3. Letter from applicant addressing appeal issues
4. Staff report, with correspondence from the December 5, 2005 Subdivision Review Board hearing

IN THE BOARD OF SUPERVISORS
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

_____ day _____, 20__

PRESENT: Supervisors

ABSENT:

RESOLUTION NO. _____

RESOLUTION AFFIRMING THE DECISION OF THE
SUBDIVISION REVIEW BOARD AND DISAPPROVING
THE APPLICATION OF GREG SHIPLEY
FOR A VESTING TENTATIVE PARCEL MAP FOR PARCEL MAP CO 04-0430

The following resolution is now offered and read:

WHEREAS, on December 5, 2005, the Subdivision Review Board of the County of San Luis Obispo (hereinafter referred to as the "Subdivision Review Board ") duly considered and disapproved the application of Greg Shipley for a vesting tentative parcel map for Parcel Map CO 04-0430; and

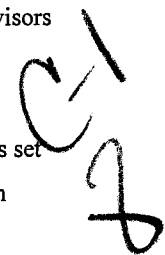
WHEREAS, Greg Shipley has appealed the Subdivision Review Board's decision to the Board of Supervisors of the County of San Luis Obispo (hereinafter referred to as the "Board of Supervisors") pursuant to the applicable provisions of Title 21 of the San Luis Obispo County Code; and

WHEREAS, a public hearing was duly noticed and conducted by the Board of Supervisors on March 14, 2005, and a determination and decision was made on March 14, 2005; and

WHEREAS, at said hearing, the Board of Supervisors heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given the opportunity to hear and be heard in respect to any matter relating to said appeal; and

WHEREAS, the Board of Supervisors has duly considered the appeal and determined that the appeal should be denied and the decision of the Subdivision Review Board should be affirmed and that the application should be disapproved based upon the findings set forth below.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, as follows:

1. That the recitals set forth hereinabove are true, correct and valid.
 2. That the Board of Supervisors makes all of the findings of fact and determinations set forth in Exhibit A attached hereto and incorporated by reference herein as though set forth in full.
- 

3. That this project is found to be statutorily exempt from the California Environmental Quality Act under the provisions of the Public Resources Code section 21080(b)(5) which provides that CEQA does not apply to projects which a public agency rejects or disapproves.

4. That the appeal filed by Greg Shipley is hereby denied and the decision of the Subdivision Review Board is affirmed that the application of Greg Shipley for a vesting tentative parcel map for Parcel Map CO 04-0430 is hereby disapproved based upon the findings of fact and determinations set forth in Exhibit A attached hereto and incorporated by reference herein as though set forth in full.

Upon motion of Supervisor _____, seconded by Supervisor _____, and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

the foregoing resolution is hereby adopted.

Chairman of the Board of Supervisors

ATTEST:

Clerk of the Board of Supervisors

[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

JAMES B. LINDHOLM, JR.
County Counsel

By: 
Deputy County Counsel

Dated: February 28, 2006

CA

STATE OF CALIFORNIA,)
)
County of San Luis Obispo)

ss

I, _____, County Clerk and ex-officio Clerk of the Board of Supervisors, in and for the County of San Luis Obispo, State of California, do hereby certify the foregoing to be a full, true and correct copy of an order made by the Board of Supervisors, as the same appears spread upon their minute book.

WITNESS my hand and the seal of said Board of Supervisors, affixed this _____ day of _____, 2006.

County Clerk and Ex-Officio Clerk of the
Board of Supervisors

(SEAL)

By: _____
Deputy Clerk

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FINDINGS - EXHIBIT A

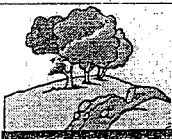
Environmental Determination

- A. This project is found to be statutorily exempt from the California Environmental Quality Act under the provisions of Public Resources Code section 21080(b)(5), which provides that CEQA does not apply to projects which a public agency rejects or disapproves.

Tentative Map

- B. The proposed map is inconsistent with applicable county general and specific plans because it does not comply with Ag and Open Space Policy 4 (small lot agriculture), as the project would create parcels that would not support sustainable long-term agriculture.
- C. The proposed map is inconsistent with applicable county general and specific plans because it does not comply with General Goal 8 of Framework for Planning (distinction between urban and rural development) because this subdivision because it contributes to erosion of the distinction between urban and rural areas.
- D. The proposed map is inconsistent with applicable county general and specific plans because the proposed division would result in two smaller parcels which is contrary to the goal (General Goal 10 of Framework for Planning) of protecting agricultural land for the production of food, fiber, and other agricultural commodities.
- E. The proposed map is not consistent with the county zoning and subdivision ordinances because although the parcel map may technically meet the criteria to be a receiving site, it doesn't meet the "intent" of Chapter 22.24 (TDC Ordinance) as the intent of the ordinance is to send development to more suitable areas and this site is not more suitable because it has the potential to be developed with a viable agricultural use (as a 50 acre parcel), and with the road exception request, would not have adequate access.
- F. The site is not physically suitable for the type of development allowed by the Agriculture Land Use Category as the proposed parcels are too small to support viable agriculture.
- G. The proposed parcels are smaller than the majority of surrounding agricultural parcels in the vicinity, making the proposed parcels inconsistent with the pattern of development of the area.
- H. That the granting of the adjustment will be detrimental to the traffic circulation system, the public utility and storm drainage systems, or vehicular or pedestrian safety because the proposed project would allow access onto a private easement by seven parcels.

CH 11



Inland Appeal Application

San Luis Obispo County Department of Planning and Building

PROJECT INFORMATION

Type of permit being appealed:

- ☐ Plot Plan ☐ Site Plan ☐ Minor Use Permit ☐ Development Plan ☐ Variance
☒ Land Division ☐ Lot Line Adjustment ☐ Sending Site Determination ☐ Other _____

File Number: SUB 2004-00019 / CO 04-0430

The decision was made by:

- ☐ Planning Director ☐ Building Official ☐ TDC Review Committee ☐ Administrative Hearing Officer
☒ Subdivision Review Board ☐ Planning Commission ☐ Other _____

Date the application was acted on JUNE 8, 2004

The decision is appealed to:

- ☐ Board of Construction Appeals ☐ Board of Handicapped Access ☐ Planning Commission ☒ Board of Supervisors

BASIS FOR APPEAL

Appeal Reasons: Please state your reasons for the appeal. In the case of a Construction Code Appeal, note specific code name and sections disputed (*attach additional sheets if necessary*). Please Note: An appeal should be filed by an aggrieved person or the applicant at each stage in the process if they are still unsatisfied by the last action.

APPLICANT MEETS ALL CONDITIONS OF THE TDC ORDINANCE.
PLEASE SEE ATTACHED ANSWERS TO "FINDINGS".

Specific Conditions. The specific conditions that I wish to appeal that relate to the above referenced grounds for appeal are:

Condition Number	Reason for appeal (attach additional sheets if necessary)
FINDINGS B-H	PLEASE SEE "ANSWERS TO FINDINGS - EXHIBIT"

APPELLANT INFORMATION

Print name: GREG SHIPLEY

Address: 4004 STAG'S LEAP WAY, Phone Number (daytime): 805-239-8714
PAO ROBLES, CA 93416

We have completed this form accurately and declare all statements made here are true.

Signature: Greg Shipley

Date: 12/16/05

OFFICE USE ONLY

Date Received: 12-19-2005
 Amount Paid: \$604.

By: MLV
 Receipt No. (if applicable): _____

Revised 7/31/01/ep

GREG & GAIL SHIPLEY

4004 STAG'S LEAP WAY
PASO ROBLES, CA 93446
805-239-3201
F - 805-239-0517
gshipley@tcsn.net

December 16, 2005

Ms. KAMI GRIFFIN
MR. JOSH LABOMBARD
SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING
COUNTY GOVERNMENT CENTER
SAN LUIS OBISPO, CA 93408

Re: **APPEAL OF COUNTY SUBDIVISION REVIEW BOARD DENIAL**
SHIPLEY – COUNTY FILE: SUB2004-00019 / CO 04-0430

Dear Sir or Madam:

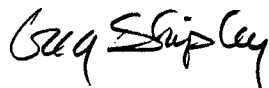
Pursuant to County Real Property Division Ordinance Section 21.04.020, we officially **appeal** the decision of the County Subdivision Review Board to DENY our project to the San Luis Obispo County Board of Supervisors.

Please find attached our "Inland Appeal Application", check for \$604, support information (including slide presentation of our project), and a detailed explanation of our contention that our TDC project meets all conditions of the TDC program – as revised in 2005 – and is, in fact, the **very best agricultural use of our property**.

We have a firm commitment for a winery operation on the 30 acre parcel. We would also be able to plant grapes on the 20 acre parcel with the winery taking charge of the vineyard.

We urge the Department of Planning and Building to support our Appeal for a San Luis Obispo County Board of Supervisors' affirmative vote to grant TDC us to subdivide our property into 20 acre and 30 acre parcels.

Sincerely,



GREG SHIPLEY

Enclosures: *Completed Inland Appeal Application*
Support Documentation, including slides of the project
Letter of Intent to Purchase from Bogner Family Winery & Vineyard

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SHIPLEY – APPEAL APPLICATION – SUB2004-00019 – CO 04-430

ANSWERS to the FINDINGS – EXHIBIT A

ENVIRONMENTAL DETERMINATION

- A. This project is “exempt” from CEQA. The application is specifically designed to take advantage of the rural and agricultural nature of the property, by splitting the 50 acres into a 20 acre parcel (with house) and a 30 acre parcel to be used as a winery, vineyard and agricultural support.

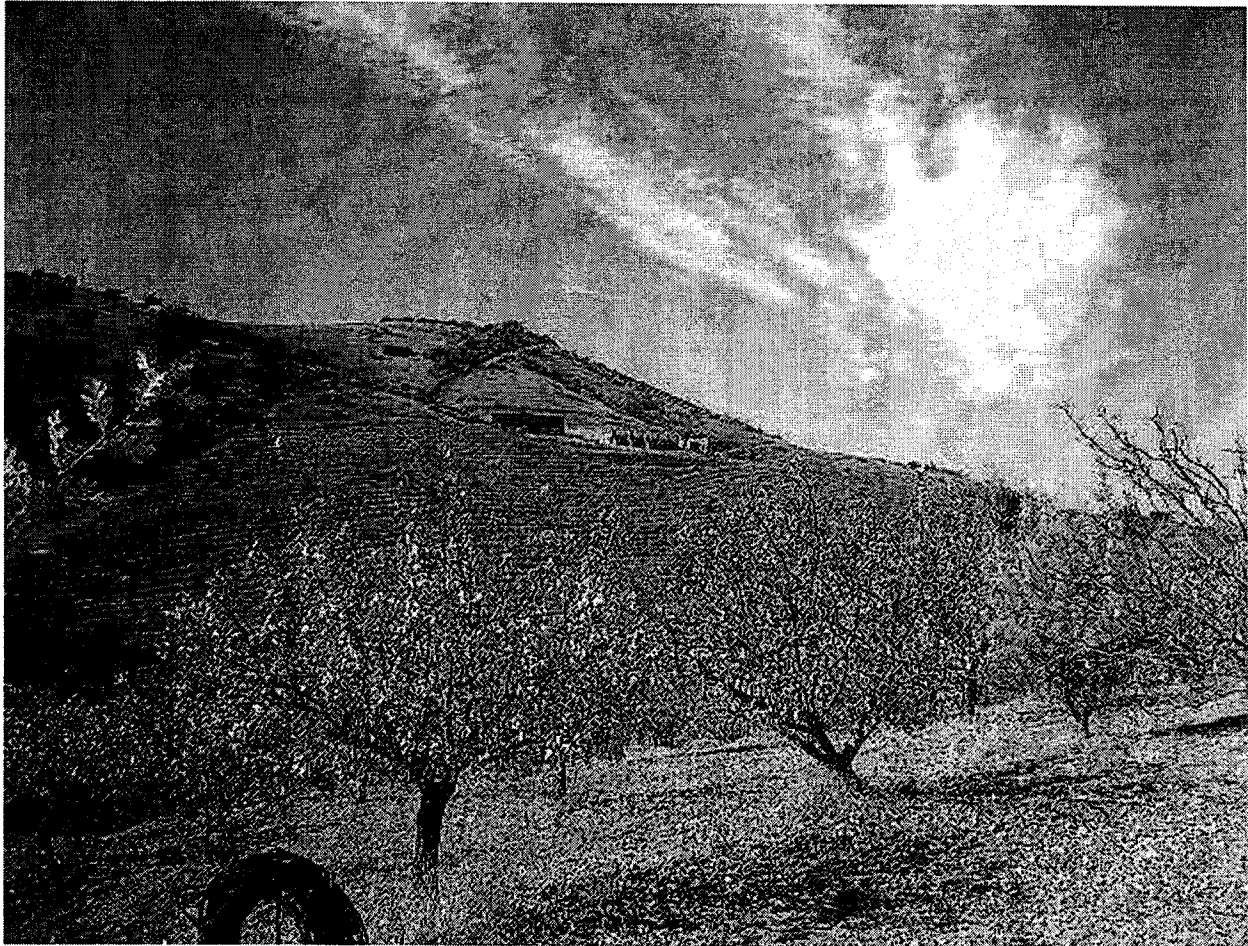
TENTATIVE MAP

- B. The proposed map IS consistent with the neighborhood’s small acreage use of land for vineyard and winery applications (please see slides and support documentation). In the Adelaida area, there is NO WATER for any other type of agricultural use other than “Dry Farming”. The soil types on the property and that found in the entire Adelaida Area are not useful for any agricultural crops, with the exception of viable plantings of dry farmed grapes and dry farmed orchards. The proposed project would represent two of the most plantable parcels for high-end, low-yield wine grapes in the Adelaida area.
- C. The proposed map IS consistent with the lot sizes both prior to (and closest to Paso Robles) and after the proposed project. In fact, please see the slides and support documentation to justify the creation of similar or (in most cases) larger parcel sizes than currently exist in the surrounding neighborhood.
- D. The proposed map IS consistent with County plans (General Goal 10 of Framework for Planning) to support agriculture that will produce the very highest quality wine grapes. High-end, low-yield production of quality wine grapes on steep hills favor hand-picked and hand-cultivated methods of farming AND NOT mechanized conditions found throughout the rest of San Luis Obispo County. This area is very special and very different from any other agriculturally zoned area of the County and requires a different standard than to group it with Creston, Santa Marguerita, the Nipomo Mesa, the Coastal beach areas or any other distinct area in San Luis Obispo County! A broad, one-size-fits-all conclusion does not account for regional distinctions.
- E. When we started this process, in a July 29th, 2003 pre-planning meeting ... over two years ago ... the TDC program was suggested to us as THE BEST vehicle to subdivide our property into 20 and 30 acre parcels. At that time, the County Zoning allowed agriculture lots of 20 acres or more. Both of our proposed parcels met that standard. Our project met all TDC requirements in 2003 ... AND we meet all TDC requirements of the revision of the TDC ordinance of 2005. Our project is within 2.5 miles (as driven) from the city reserve line and 4.5 from the center of downtown Paso Robles! There is NO more viable agricultural use of our property ... than to plant dry-farmed grapes and have a winery on the property that encourages more grape production in the Adelaida area. THE ROAD EXCEPTION was checked because, in order to build a winery on the 30 acre parcel, bonding requirements dictate a more stringent road standard than the County. As a matter of fact, the winery road must meet requirements that would build the road to county rural road standards, whereby, the County would be granted the road upon completion ... including leveling hills and curves to have a clear site for 150 feet or more. We suggest that the Board make building on the 30 acre parcel conditional upon upgrading the road. This would greatly benefit all of our neighbors who use this road.
- F. The site IS absolutely, physically suitable for the type of development of promoting a high-end, low-yield, dry-farmed vineyard and winery application. In fact, the property topography will only accommodate this type of agricultural use. The neighborhood is dotted with small, family owned and farmed vineyards that can not be mechanized. This is, in fact, the only way to farm this property and therefore REQUIRE smaller parcels to make it viable for agricultural use. The County MUST recognize that this is a very unique agricultural area and does not fit the mold of “larger is better”!
- G. There are two large parcels used by the staff that make this finding irrelevant ... in that, they unfairly skew the true size of parcels in the neighborhood. One parcel used by staff is a Bureau of Land Management property that is nothing but extreme cliffs. The other large parcel supports an olive production use that, at any one time, will have up to several hundred people living on the premise tending to a dry-farmed olive tree orchard and a small greenhouse vegetable production operation. These two 320+ acre parcels, when averaged into the existing neighborhood parcels unfairly characterize the neighborhood as something that it isn’t!

SHIPLEY – APPEAL APPLICATION – SUB2004-00019 – CO 04-430

- H. The project actually improves traffic circulation, public utility access and storm drainage systems by virtue of the winery requirement for construction of a public access road ... rather than the 8-12 foot wide "driveway" now in existence.

HOW DO YOU FARM THIS LAND?



This is a picture of the Wild Coyote Winery, Vineyard and B&B across the street. Only 20 acres of vineyard can be planted on this parcel due to the slope of the property. This property is terraced for better access to a 40 degree slope. The Shipley parcels are not this steep ... however, neither are they applicable for row crops or any other mechanized farming operation or for grazing. This topography DEMANDS that any agricultural application be a small, hand picked crop. All of the old almond orchards, in this area, were abandoned decades ago for this very reason! In addition, this is a very poor water area, where the availability to plant any more than 5 acres of grape vines every five years is NOT feasible.

Please note the following details of the project:

CT-15

SHIPLEY – APPEAL APPLICATION – SUB2004-00019 – CO 04-430

SHIPLEY APPEAL APPLICATION TRANSFER DEVELOPMENT CREDIT PROGRAM SUB2004-00019 -- TENTATIVE MAP #: CO-04-0430

Meeting: San Luis Obispo County Board of Supervisors – Appeal Hearing

The Shipley property is a 50 acre site, located off of Adelaida Road, less than 4.5 miles (by road) from Spring Street & 10th Street (Park) in downtown Paso Robles.

Our proposal is to split the 50 acres into a 20 acre parcel (containing the current home – which would stay with Shipley); the remaining 30 acre parcel would be sold to Mr. Don Bogner – President of Genahol, Inc – an environmentally oriented, leading, national Conversion Technology firm. Mr. Bogner has signed a Letter of Intent to purchase the property for wine grape production. (There is a backup offer of interest from John Munch to house his winery: La Cuvier).

The following criteria illustrate the positive aspects to this application; they are:

- ❖ This application **Meets ALL criteria of the TDC Program – Title 22, Chapter 22.24**
 - The application was submitted prior to the Board of Supervisors adoption of the new standards. However, our application also meets ALL of the new standards for Receiver Sites:
 - Site must be located within 5 miles from the Urban Reserve Line. Our site is within 2.5 miles.
 - Site is eligible for a density bonus of 50%
 - Under the provisions of the new criteria, this site is also eligible for parcel sites of 10 acres, when surrounded by parcels where surrounding parcels are generally less than 20 acres in size. This is true of surrounding properties.
 - The new Criteria were found to be supported by policies of the Land Use Element and the Agricultural and Open Space Element of the County of San Luis Obispo's General Plan.
- ❖ Please note the surrounding parcels and sizes: ALL IN SECTION 26
 - **STAG'S LEAP WAY** Addresses: Same Driveway (*Shipley address used to be: 3514 Adelaida Road – for reference*) Applicant also next to a 10 ac parcel east on 3999 Hampton Ln.

ADDRESS	LOCATION TO APPLICANT	ACRES	AGRICULTURAL USE
3908/3910	Bordering S	15	2 Residential Units
3710	Same Driveway S	25	Residential/2 ac vineyard
3790	Bordering S	30	Residential
4515	Bordering W	80	Residential

- **ADELAIDA ROAD** Addresses: Immediate Road

ADDRESS	LOCATION TO APPLICANT	ACRES	AGRICULTURAL USE
3949	West across street	10	Residential
3775	West across street	34	Vineyard/Winery/B&B
3590	Adjacent	38	Pastachio Orchard & Processing Plant
3418	Corner of Stag's Leap	20	Residence & 5 acre vineyard
3234	Directly S	55	5 Separate Residences – separated into 10 ac lots
3235	Across the street	10	2 Residences

SHIPLEY – APPEAL APPLICATION – SUB2004-00019 – CO 04-430

3233	Across the street	7	Residence
2625	Sandwiched between the 7 & 20 acres	60	Newly purchased – with vineyard on north slope to be developed with residences
2735	East of applicant	20	3 separate parcels of 20 acres each – one with a winery (Villicana) & 2 with residences only
Adelaida Road	East of applicant down Adelaida Road to Lake Nacimiento Dr.	22 properties ranging from ½ ac to 9.2 acres	All residential with one trailer park

- **HAMPTON ROAD & OAK FLAT ROAD** Addresses: Road to the East of Property. All small parcels, primarily residential with horses; averaging in size from 2 acres to 40 acres.
- ❖ **AGRICULTURAL USE IN ADELAIDA AREA:**
 - **WATER: This is a “dry farm” area.**
 - Rainfall is heavy relative to all of San Luis Obispo County ... but, is carried by underground streams that empties into the Salinas Valley/Paso Robles Aquifer. The rainfall quotient is the variable that makes the area dry farmable.
 - Available irrigation water is limited to limestone cavern areas, sporadically located throughout the area. This water is typically very “hard” water with heavy iron deposits and other minerals that clog drip irrigation emitters within several hours of use.
 - Subject property has one well, rated at 10 gpm and must be filtered for sulfur, iron and other minerals as well as treated for calcium (limestone). Surrounding property wells range from 10-60 gpm. However, the higher gpm come from artesian wells (underground streams) that generally dry up during draught years – when irrigation is needed for “dry farming” techniques.
 - **SOIL: This is a prime wine grape and almond growing area.**
 - Limestone, chalky substrate with clay topsoil.
 - Area has very steep terrain, featuring many thick oak forests and underbrush, loaded with rocks
 - **APPROPRIATE USE FOR SUBJECT PROPERTY:**
 - Almonds/Walnuts –
 - ◆ Property was planted in 1928 with almond and walnut trees. Dry farmed. However, area became uneconomical to compete with San Jacquin Valley farmers that could mechanize harvest. Adelaida area is too hilly/mountainous to use mechanized equipment. Everything must be done by hand. Although the nuts exhibit superior quality, the product is a commodity item and not subject to quality pricing.
 - ◆ Subject property has **not been farmed** since 1968 ... ALMOST 40 YEARS!
 - Wine Grapes –
 - ◆ Subject Property was inspected by Andre Tschelachef prior to purchase. His conclusion was: very good microclimate, excellent slope and sun exposure, excellent soil ... all indicating a very high-end, premium wine grape crop with very low production yield.
 - ◆ Applicants planted 6 acres of Zinfandel wine grapes in 1982, spaced in rows 12' x 12' (very low planting density compared to today's normal 8' x 7' spacing). Discovered that even this low density planting could not support regular irrigating. The well constantly ran dry. Eventually, the dense deer population devastated the weakened plants.
 - ◆ Experience tells us that wine grapes are the perfect crop, developing into high-end, low-yield, premium grapes. Dry farmed grapes, throughout the industry, demand

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SHIPLEY – APPEAL APPLICATION – SUB2004-00019 – CO 04-430

premium prices. However, it must be developed by very knowledgeable vintners/winemakers.

♦ Important Agricultural Development Keys:

- Property can only handle a maximum of 5 acres dry farmed at any one time
- The amount of water necessary to “hit” in summer months or draught conditions, limits the planting.
- Additional acreage can not be planted until “dry farm” plantings “take hold” ... approximately 5 years of growth.
- **TO DEVELOP THE ENTIRE PROPERTY WOULD TAKE OVER 50 YEARS** – this type of scenario eliminates the vast majority of agricultural development potential for the property forever!

❖ **TENTATIVE DEVELOPMENT DEAL:**

- **JOHN MUNCH** – a well-known, local winemaker and owner of La Cuvier Winery is very interested in the 30 acre parcel to develop his winery and supporting vineyard.
 - He has the expertise to dry farm premium grapes. This is the type of grape that he currently buys from “westside” vineyards only.
 - La Cuvier already has “grape contracts” and can afford to start the slow planting development plan of 5 acres of grapes every 5 years. A new winery startup or from outside the area (without established grape contracts) would never be able to economically develop the subject property.
 - A winery is a prime agricultural use of the property ... and will only spur further development within the surrounding properties to plant premium grapes.
- **SHIPLEY – CURRENT RESIDENT**
 - Would plant the remaining 20 acre parcel with premium grapes (on the same 5 acres every 5 years basis) to support La Cuvier Winery. The reason being, that Shipley would have an “on-site” manager and outlet for the grapes in Munch’s winery.
 - the Shipley’s have a large, 4,000 sq. ft. home that would forever be a detriment for any future agricultural development. The cost of the house is over \$1.2 million and adds too much debt burden to any potential agricultural use of the property.

❖ **Agricultural Department Assessment:**

- Siting “potential, significant impact” to agricultural use in the future. The determination is predicated upon the size of the property only; and, in effect, states that the Agricultural Department opposes all applications that causes “substandard parcels” to be formed. The theory is that less than 40 acre parcels do not have the resources capable of supporting agricultural use! Although that approach may have merit when describing “grazing land” for cattle or yearly planted row crops ... we strongly disagree with that assessment for the premium wine industry.
- As evidence, many surrounding properties have vineyards of 2 acres to 20 acres.
- A comparison of premium wine grape property development can also be used with other premium wine grape-growing regions:
 - Napa/Sonoma areas have very successful vineyards with wineries that range in acreage from 2 acres to 40 acres.
 - French vineyards are typically 5-10 acres in premium areas.
- **The proposed structure for this TDC Application is aimed at agricultural development and maybe the only way that the property would EVER be developed for ag use! This very, specific point about this subject property completely contradicts the Ag Department’s “generalized” assumption of “may” be an impact to agricultural development.**

❖ On 7/29/03, in a Pre-Planning meeting with Agriculture Department officials present, and after viewing maps, pictures & other documents – it was a general consensus that the subject property was best suited for the TDC program!

**THE LIST IS LONG, WITH SUPPORTING EVIDENCE TO DIRECT STAFF TO
STRONGLY SUPPORT THIS TDC APPLICATION!**



Promoting the wise use of land
Helping build great communities

4-1

**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

SUBDIVISION REVIEW BOARD

MEETING DATE December 5, 2005	CONTACT/PHONE Josh LeBombard (805) 781-1431	APPLICANT Greg Shipley	FILE NO. CO 04-430 SUB2004-00019
SUBJECT Request by Greg Shipley for a Vesting Tentative Parcel Map using the Transfer of Development Credits program to subdivide an existing 50 acre parcel into two parcels of 30 and 20 acres each for the purpose of sale and/or development. The proposal also includes a request to waive road standards. The proposed project is within the Agriculture land use category and is located at 4004 Stag's Leap Way, approximately 2.75 miles west of the community of Paso Robles. The site is in the Adelaida planning area.			
RECOMMENDED ACTION Deny Tentative Parcel Map CO 04-0430 based on the findings listed in Exhibit A.			
ENVIRONMENTAL DETERMINATION This project is found to be statutorily exempt from the California Environmental Quality Act under the provisions of Public Resources Code section 21080(b)(5), which provides that CEQA does not apply to projects which a public agency rejects or disapproves.			
LAND USE CATEGORY Agriculture	COMBINING DESIGNATION None	ASSESSOR PARCEL NUMBER 026-231-006	SUPERVISOR DISTRICT(S) 1
PLANNING AREA STANDARDS: None applicable to this project			
LAND USE ORDINANCE STANDARDS: L.U.O. section 22.24, Transfer of Development Credits			
EXISTING USES: Single-family residence, six acres of irrigated vineyard			
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Agriculture/Single-family residence, Agricultural production <i>South:</i> Agriculture/ Single-family residence, Agricultural production		<i>East:</i> Agriculture/ Single-family residence, Agricultural production <i>West:</i> Agriculture/Agricultural production	
<small>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242</small>			

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OTHER AGENCY / ADVISORY GROUP INVOLVEMENT:

The project was referred to: Public Works, Environmental Health, Ag Commissioner, CDF, Regional Water Quality Control Board, California Department of Transportation, Parks Division, Air Pollution Control District

TOPOGRAPHY:

Gently to steeply sloping

VEGETATION:

Oak and walnut trees, vineyard

PROPOSED SERVICES:

Water supply: On-site well

Sewage Disposal: Individual septic system

Fire Protection: CDF

ACCEPTANCE DATE:

N/A

ORDINANCE COMPLIANCE:

Minimum Parcel Size

The property is zoned Agriculture. Historically the property has been used as a dry farmed walnut orchard. The property also has approximately 7 acres of irrigation infrastructure for a vineyard.

The property has approximately 44 acres of class IV soils and 6 acres of class VI and VII soils. The minimum parcel size for class IV soils based on the land capability test is 40 acres for irrigated and 160 acres for non-irrigated land. The minimum parcel size for class VI and VII soils based on the land capability test is 320 acres for both irrigated and non-irrigated land.

The Land Use Ordinance requires that where a site contains more than one soils classification, each new parcel shall satisfy the minimum parcel size for the qualifying soils type. Because the subject property cannot satisfy the minimum parcel size for any of the soils types that are present, the property does not qualify for subdivision using the land capability test in the Agriculture land use category.

The applicant is requesting a subdivision of the 50 acre parcel that would result in two parcels of 30 and 20 acres each based on the provisions of the county Transfer of Development Credit Program (TDC).

TDC Receiver Site

Land Use Ordinance Section 22.24.070 provides for division of sites which do not otherwise qualify for division through use of the Transfer Development Credit (TDC) program. This program allows density to be transferred from an already established "sending site" to a "receiver site". The Transfer Development Credit (TDC) program provides for the creation of one additional parcel on properties which cannot otherwise qualify for a subdivision, including, properties within the Agriculture land use category, if the property meets all the other criteria to be designated a receiver site.

To qualify as a receiver site under Section 22.24.070 of the Land Use Ordinance, the site must meet the following criteria:

1. An Exemption (Categorical or General Rule), a Negative Declaration or a Final Environmental Impact Report, that does not identify significant, unavoidable adverse environmental effects, or exacerbation of such effects, relating to the additional density that would be allocated to the site, has been prepared or will be necessary as part of environmental determination for the proposed project.

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2. The site is not within an Agricultural Preserve.
3. The site is within 5 miles of an urban or village reserve line except for the California Valley village reserve line.
4. The footprint of the area proposed for development (including new access roads and driveways) is less than 30 percent slope.
5. The footprint of the area proposed for development is outside of the Sensitive Resource Area (SRA), Flood Hazard (FH), Geologic Study Area (GSA), Earthquake Fault Zone, or Very High Fire Hazard Area as defined by the Land Use Element.
6. The footprint of the area proposed for development is outside of a Natural Area or Significant Biological Geographical or Riparian Habitat as defined by the Natural Areas Plan, the Land Use Element, or a subsequent revision or update of any element of the general plan.
7. The development will comply with: all development standards, water, sewage disposal and access standards, and land division standards as contained in Titles 19, 21, 22 and 23 of the county code.
8. The site was not an approved sending site, and also has a valid conservation easement recorded against the sending site.

Ag and Open Space Element Policy 4, encourages the use of small parcels in Agricultural land use category for establishment of small-scale agricultural uses. The purpose of this policy is to encourage agricultural uses on **existing** small agriculturally zoned parcels and discourage rural residences as the principle use.

Agriculture Policy 15-Transfer of Development Credits, and Framework for Planning policies state that the purpose of the TDC program is to:

- Protect both land with agricultural capability and the business of agriculture itself.
- Help protect agricultural resources by guiding development to more suitable areas.
- Direct growth and development away from agricultural areas, thereby reducing potential conflicts with agricultural activities.

Framework for Planning, General Goal 8 states that land uses should "Maintain a distinction between urban and rural development by providing for rural uses outside of urban and village areas which are predominantly agriculture, low intensity recreation, residential and open space uses which will preserve and enhance the pattern of identifiable communities."

Framework for Planning, General Goal 10 states that land uses should "Encourage the protection of agricultural land for the production of food, fiber, and other agricultural commodities".

DISCUSSION:

The Agricultural Commissioner's Office responded that this division "would result in potential significant impacts to agricultural resources and/or operations because each proposed parcel would not have adequate resources to ensure sustainable long-term agricultural production".

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The property is located in an area consisting of mostly larger parcels with smaller parcels to the south and east. The chart below outlines the parcel sizes of the parcels found within a ½ mile radius of the subject parcel. Exhibit *Size of parcels within ½ Mile of 026-231-006* depicts the physical layout of these parcels.

APN	ACRES	APN	ACRES
026-231-005	322.438	026-231-058	10.127
026-241-001	118.058	026-231-075	13.748
026-231-065	75.248	026-231-074	30.234
026-231-066	89.564	026-231-059	31.310
026-231-026	106.701	026-231-027	49.062
026-241-022	34.995	026-231-051	40.879
026-241-023	21.155	026-231-073	24.973
026-241-024	19.943	026-231-061	76.394
026-231-006	48.887	026-231-031	21.417
026-241-007	42.290	026-231-035	57.366
026-231-078	38.988	026-231-023	124.502
026-231-062	37.623	026-231-040	344.641

The average parcel size for parcels found within a ½ mile radius of the subject parcel is 74.19 acres. The proposal to split the 50 acre parcel into two parcels of 30 and 20 acres in size would not be consistent with the surrounding area because the size of the resulting parcels would be less than half of the average parcel size. Furthermore, the existing parcel at 50 acres is below the average parcel size for the area.

Staff is concerned that a subdivision of this parcel into two parcels, less than one half the size of the average surrounding parcels, will create a precedent that could lead to a pattern of future subdivision of the larger agricultural parcels in the area. In addition, this proposal is inconsistent with:

- Ag and Open Space Element Policy 4 because the proposed division would decrease the agricultural capability of the existing parcel by creating two smaller, less sustainable long-term agricultural parcels (as indicated by the Agricultural Commissioner's Office);
- Agriculture Policy 15 because the proposed division would allow more development in an agricultural area.
- Framework for Planning, General Goal 8 because the proposed division would contribute to erosion of the distinction between urban and rural areas; and
- Framework for Planning, General Goal 10 because the proposed division would result in two smaller parcels which is contrary to the goal of protecting agricultural land for the production of food, fiber, and other agricultural commodities.

As mentioned above, the proposed subdivision is inconsistent with the intent of the TDC ordinance and staff is unable to make the findings for approval for this project.

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ADJUSTMENTS:

Road Exception Request

The applicant is also requesting an exception to road standards for Stag's Leap Way. Stag's Leap Way is currently a private easement. Section 21.03.020(d)(7) states:

Private easements, if approved by the planning commission or subdivision review board, may serve as access to no more than an ultimate of five parcels, including parcels not owned by the divider. The number of parcels served by any private easement shall include existing parcels and all future parcels which could be created in the future according to the applicable general plan.

DISCUSSION:

Including the subject parcel, currently the private easement is accessed by six parcels, which is above the allowed amount (5); the proposed division would increase the access to seven parcels. A referral was sent to the Department of Public Works regarding this exception request. The Department indicated that they do not support an exception of this standard due to the fact that it does not currently meet driveway standards.

COMMUNITY ADVISORY GROUP COMMENTS: None applicable

AGENCY REVIEW:

Public Works - Recommended denial of the road exception request

Environmental Health – Indicated that the applicant shall provide evidence of on-site water and shall adhere to conditions in regards to well and septic systems.

Ag Commissioner - Indicated potential significant impacts resulting from the proposed division

County Parks – Indicated that Quimby fees are required

CDF – None received

LEGAL LOT STATUS:

The lot was legally created by a recorded map at a time when that was a legal method of creating lots.

This staff report was prepared by Josh LeBombard and reviewed by Kami Griffin.

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FINDINGS - EXHIBIT A

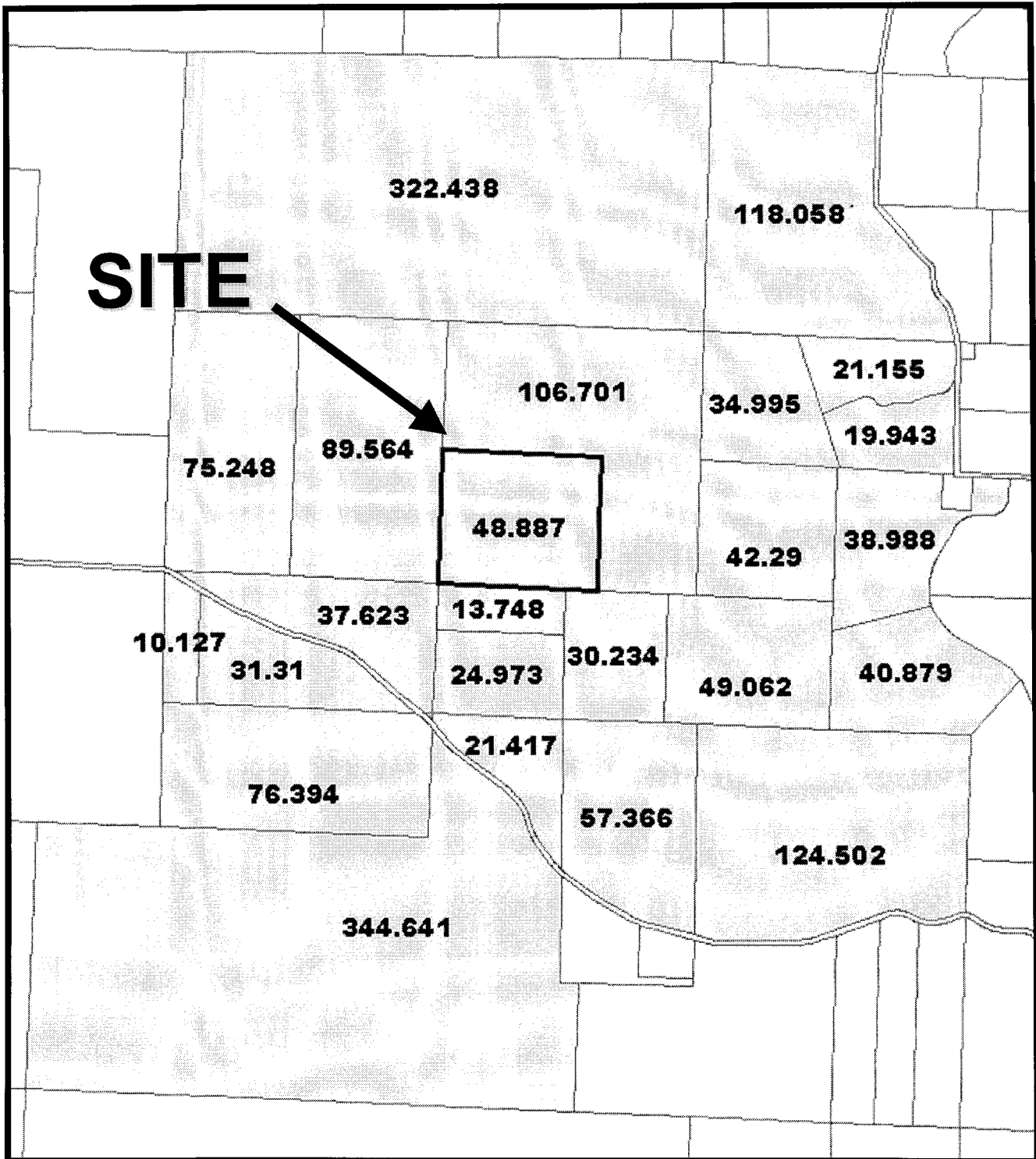
Environmental Determination

- A. This project is found to be statutorily exempt from the California Environmental Quality Act under the provisions of Public Resources Code section 21080(b)(5), which provides that CEQA does not apply to projects which a public agency rejects or disapproves.

Tentative Map

- B. The proposed map is inconsistent with applicable county general and specific plans because it does not comply with Ag and Open Space Policy 4 (small lot agriculture), as the project would create parcels that would not support sustainable long-term agriculture.
- C. The proposed map is inconsistent with applicable county general and specific plans because it does not comply with General Goal 8 of Framework for Planning (distinction between urban and rural development) because this subdivision because it contributes to erosion of the distinction between urban and rural areas.
- D. The proposed map is inconsistent with applicable county general and specific plans because the proposed division would result in two smaller parcels which is contrary to the goal (General Goal 10 of Framework for Planning) of protecting agricultural land for the production of food, fiber, and other agricultural commodities.
- E. The proposed map is not consistent with the county zoning and subdivision ordinances because although the parcel map may technically meet the criteria to be a receiving site, it doesn't meet the "intent" of Chapter 22.24 (TDC Ordinance) as the intent of the ordinance is to send development to more suitable areas and this site is not more suitable because it has the potential to be developed with a viable agricultural use (as a 50 acre parcel), and with the road exception request, would not have adequate access.
- F. The site is not physically suitable for the type of development allowed by the Agriculture Land Use Category as the proposed parcels are too small to support viable agriculture.
- G. The proposed parcels are smaller than the majority of surrounding agricultural parcels in the vicinity, making the proposed parcels inconsistent with the pattern of development of the area.
- H. That the granting of the adjustment will be detrimental to the traffic circulation system, the public utility and storm drainage systems, or vehicular or pedestrian safety because the proposed project would allow access onto a private easement by seven parcels.

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PROJECT

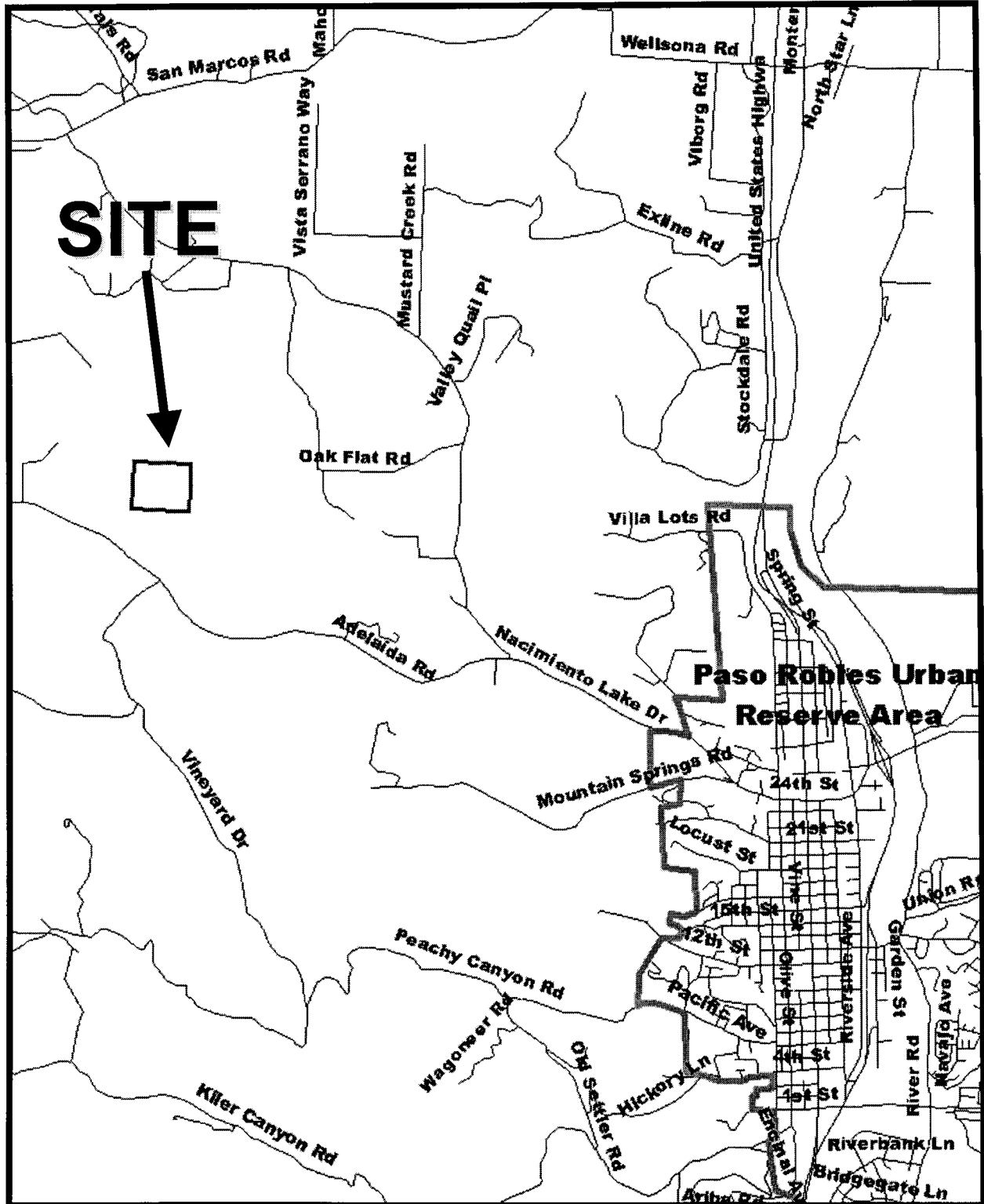
SUB2004-00019
Shipley



EXHIBIT

Size of parcels within 1/2 Mile
of 026-231-006

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PROJECT

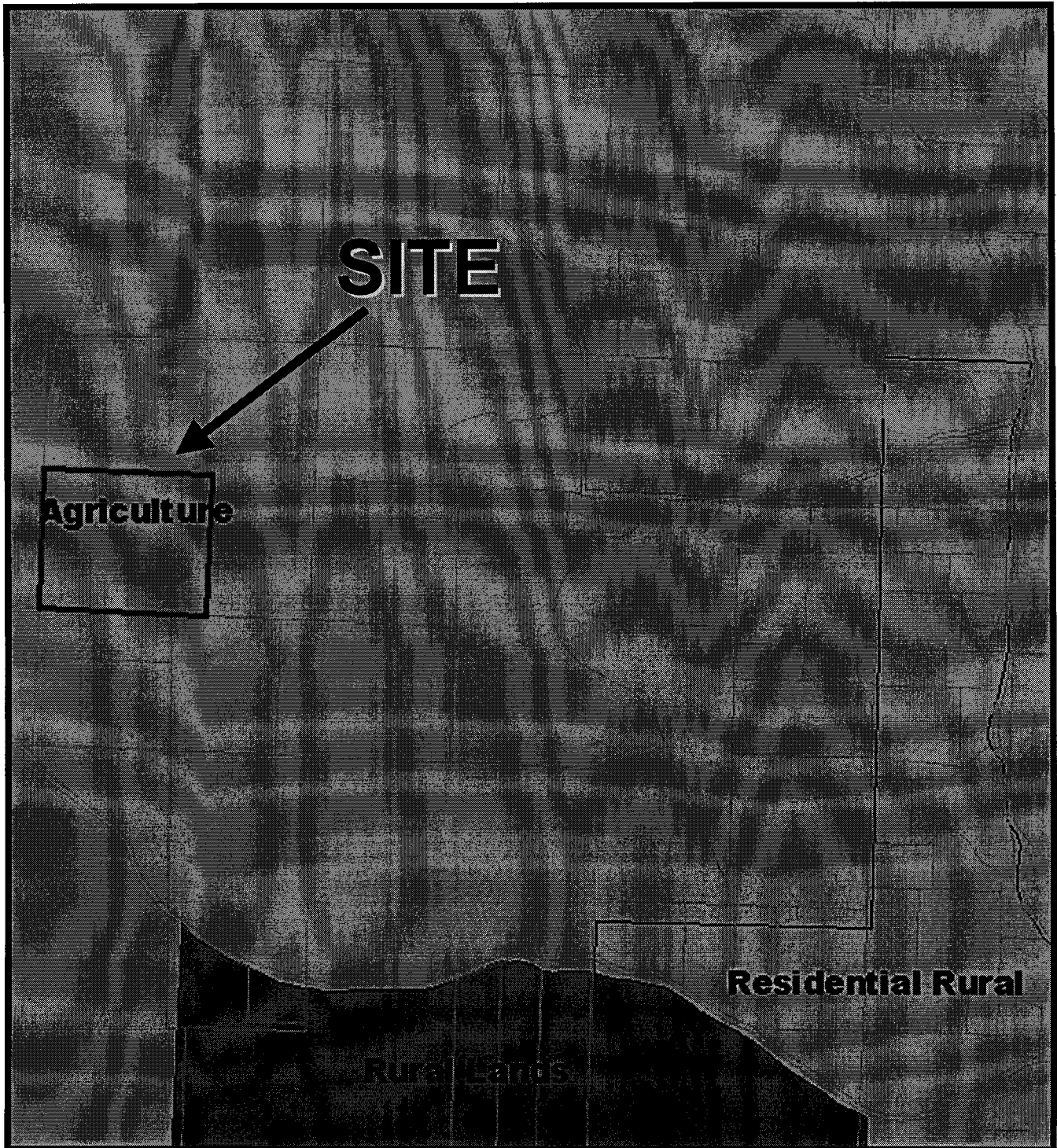
SUB2004-00019
Shipley



EXHIBIT

Vicinity Map

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PROJECT

SUB2004-00019
Shipley



EXHIBIT

Land Use Category Map

Handwritten signature or initials.



PROJECT

SUB2004-00019
Shiple



EXHIBIT

Site Plan

4-15

GREG & GAIL SHIPLEY

4004 STAG'S LEAP WAY
PASO ROBLES, CA 93446
805-239-3201
FAX: 805-239-0517
gshipley@tcsn.net

July 12, 2004

Ms. KAMI GRIFFIN
SAN LUIS OBISPO COUNTY PLANNING DEPARTMENT
COUNTY OF SAN LUIS OBISPO
COUNTY GOVERNMENT CENTER
SAN LUIS OBISPO, CA 93408

RE: SHIPLEY PROPERTY SPLIT – TRANSFER DEVELOPMENT CREDIT

Dear Ms. Griffin:

Please find attached our application for "Land Division" under the TDC program. This is an "Ag" oriented application.

The reason for our proposed split from an original 50 acre parcel into a 20 acre parcel (that includes our home) and a new 30 acre parcel (winery development) is:

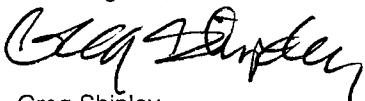
- ❖ This particular piece of property is one of the premier wine-grape growing parcels in the entire State of California. Originally surveyed by Andre Tschelacheff (the godfather of California Premium Wines) in 1981, this piece offers:
 - Southwest-Southeast facing slopes for maximum sun exposure and 35-37 total acres plantable
 - Chalky soil for low yield, high quality red grapes
 - Westside rainfall that favors "dry-farming" techniques that yields higher quality grapes with intense flavors. The old almond and walnut orchards (on the property) were dry farmed.
- ❖ We have tentative buyers for this property that will fully develop the vineyard/winery potential.

This property is less than 5 miles from the downtown of Paso Robles, off of Adelaida Road. Adjoining parcels are already 15, 25 and 30 acres (Brown/Peralta). Properties that are one additional property line away, toward Paso Robles, range in area from 5-9-10 & 20 acre parcels.

We have a source for the Transfer Development Credit with Donn Bonnheim.

We meet all conditions for the TDC Program and look forward to working with you on the completion of this application.

Best Regards,



Greg Shipley
Owner

Attachments: Land Division Application and Support Documentation

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RECEIVED
AUG 09 2004
SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

SLO CO PLANNING & BLDG

VICTOR BOLANDA, AICP
DIRECTOR

GENERAL SERVICES
JUL 19 AM 10:39

THIS IS A NEW PROJECT REFERRAL

DATE:
FROM:
TO:
FROM:

7/19/2004 08/06/04
Parks
North Co. Team
(Please direct response to the above)

Shiplay
SUB2004-00019
Project Name and Number

Development Review Section (Phone: 781-788-2009) ()

PROJECT DESCRIPTION: TDC Rec. Site / Pm -> to divide 50 acres into 2 parcels. One 20 acre parcel w/ 1 SFR, the remaining 30 acres: 6 acres - vineyard, & future dev. for a new vineyard, winery & B & B. See details...
Return this letter with your comments attached no later than: 8/2/04

PART I IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?
☒ YES (Please go on to Part II)
☐ NO (Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?
☒ NO (Please go on to Part III)
☐ YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE OR CALL.

Require Quimby Fees and applicable Building Division fees.

08/06/04
Date

Jan Dileo
Name

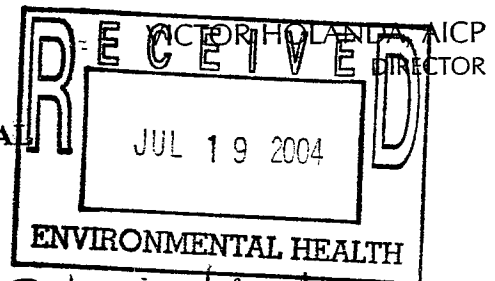
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790



4-13
SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

CO 04-0430 JXL



THIS IS A NEW PROJECT REFERRAL

DATE:

7/19/2004

TO:

E.H.

FROM:

NOAH Co. Team
(Please direct response to the above)

SUB 2004-00019
Project Name and Number

Development Review Section (Phone: 781-788-2009)

PROJECT DESCRIPTION:

TDC Rec. Site / Pm -> to divide 50 acres into 2 parcels. One 20 acre parcel w/ 1 SFR, the remaining 30 acres: 6 acres - vineyard, & future dev. for a new vineyard, winery & B & B. See details...

Return this letter with your comments attached no later than:

8/2/04

PART I

IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

☐ YES
☐ NO

(Please go on to Part II)

(Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II

ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

☐ NO
☐ YES

(Please go on to Part III)

(Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III

INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE OR CALL.

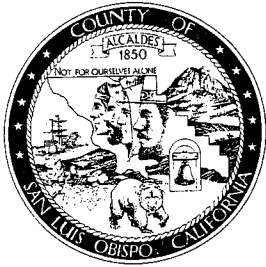
Provide stock conditions for individual well and on-site septic systems. Applicant shall submit evidence of on-site water in order to receive preliminary approval from this office.

7/27/04
Date

Hauri Salo
Name

781-5551
Phone

4-14



COUNTY OF SAN LUIS OBISPO

Department of Agriculture/Measurement Standards

2156 SIERRA WAY, SUITE A • SAN LUIS OBISPO, CALIFORNIA 93401-4556
ROBERT F. LILLEY (805) 781-5910
AGRICULTURAL COMMISSIONER/SEALER FAX (805) 781-1035

AgCommSLO@co.slo.ca.us

DATE: August 16, 2004
TO: Josh LeBombard, Planner I
FROM: Lynda L. Auchinachie, Agriculture Department *JA*
SUBJECT: Shipley TDC Parcel Map SUB2004-00019 (0931)

Summary of Findings

The Agriculture Department's review finds that the proposal to use a Transfer of Development Credit (TDC) to subdivide a 50-acre project site into two parcels of thirty and twenty acres each within the Agricultural land use category would result in **potential significant impacts** to agricultural resources and/or operations because each proposed parcel would not have adequate resources to ensure sustainable long-term agricultural production. Additionally, the creation of substandard parcels in agricultural areas typically results in the development of non-agricultural uses that create additional incompatibilities with nearby agricultural operations.

The comments and recommendations in our report are based on policies in the San Luis Obispo County Agriculture and Open Space Element, the Land Use Ordinance, the California Environmental Quality Act (CEQA), and on current departmental policy to conserve agricultural resources and to provide for public health, safety and welfare while mitigating negative impacts of development to agriculture.

C-1
32

A. Project Description and Agricultural Setting

The applicant is requesting to use a TDC to subdivide a 50-acre project site into two parcels of thirty and twenty acres each within the Agricultural land use category. The project site is located on Stag's Leap Way, north of Adelaida Road, approximately five miles west of Paso Robles.

The project site is developed with residential and accessory structures and approximately six acres of wine grape vineyards and remnants of a dry farm walnut orchard. The site consists of approximately 44 acres of Class IV soils and six acres of Class VI and VII soils. These agricultural resources do not meet the minimum requirements for standard subdivision. Such standards were established to protect agricultural resources for long-term agricultural uses. Surrounding properties are within the Agriculture land use category and support wine grape vineyards and dry farm orchards.

B. Evaluation of Potential Impacts

Agriculture and Open Space Element and Land Use Ordinance

The proposed parcel map does not qualify for subdivision according to the standard tests for minimum parcel size in the Agriculture and Open space Element AGP21: Minimum Parcel Size Criteria for the Division of Agricultural Lands, and the Land Use Ordinance. The TDC program provides for the creation of one additional parcel on properties that cannot otherwise qualify for a subdivision, including properties within the Agriculture land use category, if the property meets all the other criteria to be designated a receiver site. The Agriculture Department is concerned about the use of agricultural lands as TDC receiving sites.

AGP 15 – Transfer of Development Credits, and Framework for Planning policies state that the purpose of the TDC Program is to:

- Protect both land with agricultural capability and the business of agriculture itself.
- Help protect agricultural resources by guiding development to more suitable areas.
- Direct growth and development away from agricultural areas, thereby reducing potential conflicts with agricultural activities.

The proposed project would not protect agricultural resources and would result in the creation of additional substandard parcels in agricultural areas. Typically, these substandard parcels convert to non-agricultural uses that create additional incompatibilities with existing agricultural operations.

C-1
33

Impacts to On-Site Agricultural Capability

The existing parcel consists of approximately six acres of irrigated wine grape vineyards and approximately 44 acres of Class IV soils and six acres of Class VI and VII soils. The proposed division of these resources would result in potential significant impacts to agricultural resources because each proposed parcel would not have adequate resources to ensure sustainable long-term agricultural production. Additionally, the proposed subdivision would allow for additional development that could result in the conversion of soils, which would further impact agricultural capability. The existing parcel configuration is superior in terms of long-term agricultural capability.

Impacts to Adjacent Agricultural Lands

Adjacent and nearby parcels are Class IV soils. The proposed subdivision utilizing the TDC program may lead to additional subdivision and conversion of these productive soils. Additionally, creation of substandard parcels as proposed often results in conversion of the land to non-agricultural uses that create additional incompatibilities with existing nearby agricultural operations.

The comments and recommendations in our report are based on policies in the San Luis Obispo County Agriculture and Open Space Element, the Land Use Ordinance, the California Environmental Quality Act (CEQA), and on current departmental policy to conserve agricultural resources and to provide for public health, safety and welfare while mitigating negative impacts of development to agriculture.

If we can be of further assistance, please call 781-5914.

C-1
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4 - 11
SANTO LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

JUL 16 2004

VICTOR HOLANDA, AICP
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

DATE:

7/19/2004

FROM

PW

FROM
TO

North Co. Team

(Please direct response to the above)

Shiplay

SUB2004-00019

Project Name and Number

Development Review Section (Phone: 781-

788-2009)

PROJECT DESCRIPTION:

TDC Rec. Site / Pm -> to divide 50 acres into 2 parcels. One 20 acre parcel w/ 1 SFR, the remaining 30 acres: 6 acres - vineyard, & future dev. for a new vineyard, winery & B & B. See details...

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8/2/04

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STOCKS ATTACHED IN CASE THEY THINK THEY CAN GET THIS MESSY OFFER TO REDUCES. IT APPEARS THERE ARE 5 or 6 LOTS USING STAG'S LEAP WAY (MAYBE 7 or MORE), PRIVATE AGREEMENTS MAYBE APPROVED TO SAVE AN ULTIMATE OF 5 PARCELS (21.03.010(d)(7)). THEY HAVE REQUEST AN EXCEPTION TO ROAD IMPROVEMENT STDS, BUT THEY CURRENTLY DON'T MEET DRIVEWAY STD IN 22.54.20 - EXHIBIT STATES STAG'S LEAP IS 12 FT, A DW OVER 200 FT HAS REQ 16 FT WIDTH AND A ROAD WOULD BE 18 FT. DON'T RECOMMEND SUPPORTING EXCEPTION - WHY PUSH AN EXPENSIVE CONDITION ONTO AN UNSUPPORTING FUTURE OWNER - LETTER TO K.G. INDICATES THEY INTEND TO SELL. NORTH ARROW ON

Date

19 Aug 2004

Name

Goodwin

Phone

Map points Eas

AFTER THOUGHT - Except Reg - Don't use "Funding"